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In Testimony for CBS, Ex-Officers Say Enemy Count Was Distorted

By M. A. FARBER

Four former military intelligence officers who said they witnessed or participated in the arbitrary reduction of Vietnamese enemy strength estimates in 1967 testified by means of depositions and filmed interviews yesterday at the trial of Gen. William C. Westmoreland's libel suit against CBS.

One of the officers, Lieut. Richard McArthur, said his figures in Saigon on Vietcong guerrilla forces had been "massacred" by his superiors — "falsified, faked, whatever terminology you would like me to use."

Another, Lieut. Col. George Hamscher, said he had attended a meeting at the Pentagon where he took part in the "bloodless wiping out" of units in the official military listing of enemy strength known as the order of battle.

The depositions and videotapes were introduced by David Boies, a lawyer for CBS, to show that, for political and public relations reasons, General Westmoreland's command had imposed an artificial "ceiling" of 300,000 on reports of enemy size in the year before the January 1968 Tet offensive.

Mr. Boies opened the case for the defense on Tuesday in the 13-week-long trial before Judge Pierre N. Leval in Federal District Court in Manhattan.

General Westmoreland's \$120 million suit stems from a 1982 CBS Reports documentary, "The Uncounted Enemy: A Vietnam Deception," which charged that the general's command had "conspired" to "suppress and alter" critical data on enemy forces, partly by deleting the Vietcong's hamlet-based self-defense and secret-self defense units from the order of battle.

Reminder From Judge

General Westmoreland, who led American forces in Vietnam from 1964 to 1968, contends that CBS defamed him by saying he had deceived President Johnson and the Joint Chiefs of Staff. He denies setting an arbitrary maximum on enemy strength and ignoring reports by his intelligence officers of a higher enemy presence and a higher rate of infiltration than he made known.

Yesterday, Judge Leval reminded the jury "that the issue in this case is not whether" the reports by General Westmoreland's command — known as the Military Assistance Command, Vietnam or MACV — "were accurate. It is not whether MACV was right or wrong in its decision to exclude the SD and SSD from the order of battle. The broadcast," he said, "made accusations of dishonesty. Dishonesty is what the case is about, not inaccuracy."

The videotapes shown yesterday were made in 1981 during the preparation of the documentary. The depositions, in which the officers were questioned under oath by lawyers for both sides, were taken before the trial began on Oct. 9. Three of the four served in 1967 in the order-of-battle section of General Westmoreland's command. Besides Lieutenant McArthur, they were Lieut. Col. David Morgan and Lieut. Marshall Lynn.

Colonel Hamscher — who, like Lieutenant McArthur, appeared on the documentary — was an intelligence officer at the headquarters of the Army Pacific Command in Honolulu. In August 1967 he represented that command at a conference at Central Intelligence Agency headquarters in Langley, Va. The conferees, who also included officers from General Westmoreland's command, were asked to arrive at enemy strength figures that could be used for both the order of battle and a special estimate for the President.

At the conference, the C.I.A. advocated a strength total that was almost twice the figure of 298,000 advanced by representatives of General Westmoreland. Among the C.I.A. analysts present was Samuel A. Adams, who, in 1980, became a paid consultant for the CBS documentary and is now a defendant at this trial. Mr. Adams is expected to testify today.

'Interagency Cat Fight'

Colonel Hamscher said, in both his interview with CBS and his deposition, that he was ordered by Honolulu to support the military's position and that a "ceiling" on enemy size had been established by senior officers in Saigon. He said the conflict between the C.I.A. and the military was part of an "interagency cat fight" in which the military was determined to preserve its role as the final arbiter of enemy strength.

The colonel said in his CBS interview that he was told General Westmoreland could not "live with" a higher figure for enemy strength than 300,000. "That was the message we got."

George Crile, the producer of the broadcast, who is now also a defendant, asked Colonel Hamscher whether that was "an honest order. Was that an order designed to provide the President with an accurate intelligence report?"

"Probably not," the colonel replied. "But I don't know for sure, because I was never inside General Westmoreland's mind and I don't know what his reason was, if he himself directed that a ceiling be put on." But the colonel

went on to describe "the ceiling idea" as "very, very bad. Dishonest, yes."

Colonel Hamscher said that, while Brig. Gen. George Godding was the head of the Saigon delegation at Langley, the "principal negotiator" — who, he said, sat across from Mr. Adams — was Col. Daniel Graham.

And Colonel Hamscher said that, during a break in the conference, Colonel Graham led military representatives in reducing estimates for enemy units at a meeting "in a small room at the Pentagon."

Colonel Hamscher told Mr. Crile that the cuts made at that meeting in accordance with a "gains/losses" formula were not "dishonest," although he felt that the whole episode in 1967 had left his integrity "prostituted." He also recalled saying to Colonel Graham at the Pentagon that "we can't do this, this is wrong." And he looked at me and said, "Hamscher, if you've got a better way of doing this, let's have it."

Arbitrary Cut Ordered

Earlier in the trial Colonel Graham — who became director of the Defense Intelligence Agency and retired as a lieutenant general — testified that he did not attend the conference in 1967 and was in Saigon at that time. General Godding also testified that he did not see Colonel Graham at the conference.

Lieutenant Lynn, in his interview, recalled that in the summer of 1967 he was ordered by a colonel whose name he could not remember to arbitrarily cut the size of enemy logistical units by 25 percent. It was "complete madness," recalled the lieutenant.

Colonel Morgan said in his deposition that, around the same time, he was ordered by his immediate superior, Col. Gains Hawkins, chief of the order-of-battle section, to have analysts lower their figures for enemy "administrative," or support units.

Lieutenant McArthur, in his interview, said that his figures for guerrillas in the fall of 1967 were halved and that when he protested to Col. Paul Weiler, who is now dead, the colonel said: "Lie a little, Mac. Lie a little." "Well, I said, 'I'm not going to lie a little.' And I did an about face, turned around, and smashed out of his office."

Colonel Hawkins, who gave a key interview for the CBS documentary, is expected to testify for the network. General Westmoreland's lawyers will argue that, in ordering any arbitrary cuts, Colonel Hawkins did not act on the authority of his commander.